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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/628,531	07/28/2003	Simon Palushi	7233-P3001.002	4298

23399 7590 08/17/2006

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EXAMINER

NGUYEN, DUNG V

ART UNIT PAPER NUMBER

3723

DATE MAILED: 08/17/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/628,531

Applicant(s)

PALUSHI, SIMON

Examiner

Dung V. Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on 15 May 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 2-11, 13-35, 37-39 and 41 is/are pending in the application.
- 4a) Of the above claim(s) 17-35 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 39 is/are allowed.
- 6) ☒ Claim(s) 2, 3, 5-8, 10, 13, 15, 16, 37, 38 and 41 is/are rejected.
- 7) ☒ Claim(s) 4, 9, 11 and 14 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claims 7-9, 13-16, 38 and 41 are rejected under 35 U.S.C. 112, first paragraph, because the specification, while being enabling for a link 456 attached to a beam 430 or a strut 422, does not reasonably provide enablement for a link attached (or pivotally mounted) to a cross-member 424, or while being enabling for a link 456 mounted to a beam 430 by two bolts 458, does not reasonably provide enablement for a link 456 pivotally mounted to a beam 430. The specification does not enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make or use the invention commensurate in scope with these claims. Fig. 31-33 show that a link 456 is mounted to a beam 430 (or a strut 422 in Fig.1) by two bolts 458 so that a floor finishing unit is moved up or down and pivotally at a boss 462 relative to the frame 414.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 2, 3, 5, 8 and 38, at best understood, are rejected under 35 U.S.C. 103(a) as being unpatentable over Klucznik (USPN 6,295,682) in view of Rivard et al (USPN

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6,262,164). Klucznik discloses a power cleaning and sanding machine for finishing floor comprising a frame 2, a plurality of floor finishing units 30 mounted on the frame 2 and positioned in a tandem arrangement, a plurality of links 44, wherein the plurality of floor finishing units 30 are pivotably mounted to the frame 2 (note Fig. 1 and 6, col. 2, line 56 to col. 3, line 45). However, Klucznik does not disclose one floor finishing unit includes abrasive grit different from other floor finishing unit. Rivard et al discloses a floor finishing unit includes different abrasive grits (note Fig. 1, col. 4, lines 12-27). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the sanding machine of Klucznik with a floor finishing unit including different abrasive grit in order to provide a simple and versatile arrangement for varying abrasive characteristic to a workpiece.

5. Claims 2, 3, 6, 7, 10 and 13, at best understood, are rejected under 35 U.S.C. 103(a) as being unpatentable over Tano et al (USPN 4,570,388) in view of Rivard et al (USPN 6,262,164). Tano et al discloses a power cleaning and sanding machine comprising a frame and a plurality of floor finishing units 11 mounted to the frame and positioned in a tandem arrangement, wherein the plurality of floor finishing units 11 are mounted to the frame, wherein the plurality of floor finishing units 11 are adjustable in height with respect to the frame, the frame comprising a strut 3, an upright attached to the strut 3, a cross-member 4 attached to the strut 3, a beam 16 attached to the strut 4, a link 17 attached to the beam 16, wherein the link 17 is mounted to the beam 16 (note Fig. 1-3, col. 2, line 34 to col. 3, line 58). However, Wilkinson does not disclose one floor finishing unit includes abrasive grit different from other floor finishing unit. Rivard

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et al discloses a floor finishing unit 10 includes different abrasive grits (note Fig. 1, col. 4, lines 12-27). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the sanding machine of Wilkinson with an abrasive unit including different abrasive grits in order to provide a simple and versatile arrangement for varying abrasive characteristic to a workpiece.

6. Claims 15, 16, 37 and 41, at best understood, are rejected under 35 U.S.C. 103(a) as being unpatentable over Tano et al (USPN 4,570,388) in view of Rivard et al as applied to claim 2 above, and further in view of Wilkinson (USPN 3,146,559). Tano et al, as modified by Rivard et al, lacks a utilities sub-frame having an electrical service box attached thereon and a wheel jack attached to the frame. Wilkinson discloses a utilities sub-frame having an electrical service box 48 attached thereon and a wheel jack 16 attached to the frame (note Fig. 4, col. 3, line 1 to col. 4, line 40). It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the sanding machine of Tano et al, as modified by Rivard et al, with a utilities sub-frame and a jack in order to individually control each floor finishing unit during servicing the floor.

***Allowable Subject Matter***

7. Claim 39 is allowed.
8. Claims 4, 9, 11, 14 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Response to Arguments***

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9. Applicant's arguments filed 15 May 2006 have been fully considered but they are not persuasive. Applicant argues applicant's machine has at least one floor finishing unit equipped with abrasive grit of one type, and at least one other floor finishing unit equipped with another abrasive grit of different type. Rivard et al discloses in col. 4, lines 16-27 "While referred to herein as a "sander," the floor sander 10 can be used for other floor treatment operations such as buffing, polishing, etc., by varying the abrasiveness of the surface treatment material on the bottom of the sander 10. In the present inventive assembly, at least two materials having different "abrasive characteristics" are presented to a workpiece at the same time. The abrasive characteristics for any particular type of material (e.g., sandpaper) may differ significantly in "grade" (e.g., from a very coarse grade, highly abrasive state (for stock removal) to a very fine grade, almost nonabrasive state (for polishing or buffing work)). Each sander 10 of Rivard et al has at least two different materials (for example one coarse grade and one fine grade), therefore the coarse grade on one sander 10 is different from the fine grade on the other sander 10.

10. Applicant's arguments with respect to claims 5, 7, 8, 15 and 16 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dung V. Nguyen whose telephone number is 571-272-4490. The examiner can normally be reached on IFP Program.

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12. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph J. Hail can be reached on 571-272-4485. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

13. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



**DUNG VAN NGUYEN**  
**PRIMARY EXAMINER**

DVN  
August 15, 2006